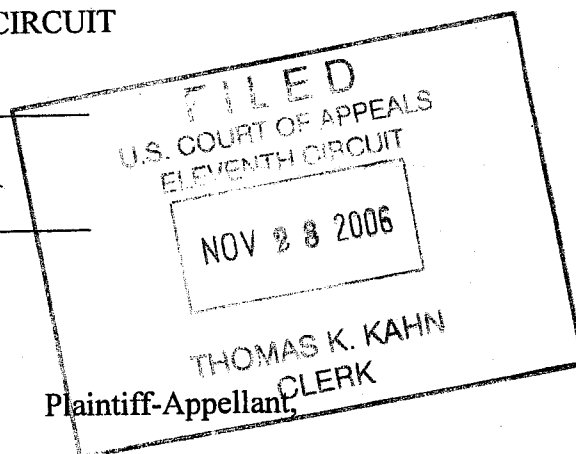


IN THE UNITED STATES COURT OF APPEALS
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FOR THE ELEVENTH CIRCUIT

2006 NOV 29 A 11:52

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
No. 06-13767-A



MARVIN C. THOMPSON,

versus

STEVEN WOODS,
Lieutenant,
LARRY CLARK,
Officer,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis ("IFP"). The district court denied IFP status, certifying that the appeal was frivolous and not taken in good faith. The district court, however, did not assess a \$ 455.00 appellate filing fee, as required by the Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended).

Appellant has consented to pay the \$ 455.00 filing fee and any additional costs assessed,

using the partial payment plan described under 28 U.S.C. § 1915 (as amended). Thus, the only remaining issue is whether this appeal is frivolous. See § 1915(e)(2)(B)(i). This Court now finds that the appeal is frivolous and DENIES leave to proceed.

Within 35 days of the date of this order, appellant may file a motion for reconsideration. If the Court does not receive such a motion within 35 days, this appeal will be dismissed for lack of prosecution without further notice, pursuant to Eleventh Circuit Rule 42-1(b).

/s/ Ed Carnes
UNITED STATES CIRCUIT JUDGE